

Senate Bill No. 85

Passed the Senate September 2, 2003

Secretary of the Senate

Passed the Assembly August 28, 2003

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 85, Torlakson. County employees' retirement: death benefits.

Under the County Employees Retirement Law of 1937, any death benefits, optional retirement allowances, or survivor's allowances accorded to a spouse, as specified, may be accorded to a domestic partner in San Mateo County, Los Angeles County, Santa Barbara County, and Marin County, subject to approval by the county board of supervisors and other limitations, including, but not limited to, the accordance of those benefits and allowances to a surviving dependent child, if any, until 19 years of age or until married, or 22 years of age if attending an educational institution.

This bill would instead accord those benefits and allowances to a domestic partner when the surviving dependent child, if any, turns 18 years of age, or 22 years of age if enrolled as a full-time student in an accredited educational institution. The bill would also make those provisions listed above applicable to all counties in California, and would authorize the San Mateo County Board of Supervisors to implement those benefits in a specified manner.

The people of the State of California do enact as follows:

SECTION 1. Section 31780.2 of the Government Code is amended to read:

31780.2. (a) Any benefits accorded to a spouse pursuant to this article and Article 11 (commencing with Section 31760), Article 15.5 (commencing with Section 31841), Article 15.6 (commencing with Section 31855), and Article 16 (commencing with Section 31861), or any of them, may be accorded to a domestic partner, as defined in Section 297 of the Family Code, who is registered with the Secretary of State pursuant to Division 2.5 (commencing with Section 297) of the Family Code. The county may also require the member and the member's domestic partner to have a current Affidavit of Domestic Partnership, in the



form adopted by the county board of supervisors, on file with the county for at least one year prior to the member's retirement or death prior to retirement.

(b) If a member described in subdivision (a) has a surviving dependent child, the surviving dependent child shall receive the death and survivor's allowance until 18 years of age or until married, whichever occurs earlier, or until 22 years of age if enrolled as a full-time student in an accredited educational institution. When the member's surviving dependent child reaches 18 years of age or is no longer a dependent, whichever occurs earlier, or reaches 22 years of age if enrolled as a full-time student in an accredited educational institution, then the benefits accorded to a spouse, as specified in subdivision (a), may be accorded to a domestic partner pursuant to this section. However, if a surviving dependent child elects to receive a lump-sum payment, the lump-sum payment shall be shared among any surviving dependent children and the domestic partner, pursuant to this section, in a proportional manner.

(c) This section is not operative unless and until the county board of supervisors, by resolution adopted by a majority vote, makes this section operative in the county. In a county of the 10th class, as defined in Sections 28020 and 28031, the county board of supervisors may implement the benefits described in this section as determined through the collective bargaining process and based on actuarial cost estimates.



Approved _____, 2003

Governor

